

REMARKS/ARGUMENTS

Claims 1-30 are pending in the application. Claims 1, 3-4, 7, 11-15, 17-18, 20, and 28-29 were amended.

Claims 1-8, 15-20, and 28-30 are provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-6, 14-19, and 27-30 of copending Application No. 09/967,539. Claims 9-10 and 21-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7-8 and 20-21 of Application No. 09/967,539. Claims 1-30 are rejected under 35 U.S.C. §112, first paragraph, for failure to enable the invention. Claims 1-30 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Double Patenting

Claims 1-8, 15-20, and 28-30 are provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-6, 14-19, and 27-30 of copending Application No. 09/967,539. Claims 9-10 and 21-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7-8 and 20-21 of Application No. 09/967,539.

Applicant respectfully traverses these rejections. While Application No. 09/967,539 and the present application do cover two closely related inventions, the two sets of claims are distinct from each other in a non-trivial fashion. Embodiments of both inventions detail a system and method for detecting a data sequence indicating an event triggering command within a series of data values. An embodiment of application No. 09/967,539 filters out those series of data values

in which too many non-relevant data values occur between the first and last relevant data values. Embodiments of the present invention filters out those series of data values in which too many non-relevant data values occur between any two consecutive relevant data values. As these are two separate and distinct inventions claimed as such in these applications, the double patenting rejection should be reversed.

Claim Rejections Under 35 U.S.C. §112, First Paragraph

Claims 1-30 are rejected under 35 U.S.C. §112, first paragraph, for failure to enable the invention. Claims 1, 15, and 28 have been amended to more distinctly and clearly claim the invention, an enabling embodiment of which is discussed starting in the first full paragraph of page 13 of the specification and shown by Figure 6. Accordingly reconsideration and withdrawal of the rejection of those claims under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claim Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 1-30 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 15, and 28 have been amended to more distinctly and clearly define the number 'N' to represent a number of allowable non-relevant memory addresses between any two sequential relevant memory addresses. Further, claims 3-4 and 17-18 have been amended to change the third device to a second device. Accordingly reconsideration and withdrawal of the rejection of those claims under 35 U.S.C. §112, second paragraph, is respectfully requested.

For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application.

Respectfully submitted,

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